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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/782,866	01/13/1997	PAUL DELABASTITA	GV-2166	9938
23550	7590	01/19/2005	EXAMINER	
HOFFMAN WARNICK & D'ALESSANDRO, LLC 3 E-COMM SQUARE ALBANY, NY 12207			ANGEBRANNDT, MARTIN J	
			ART UNIT	PAPER NUMBER
			1756	

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/782,866

Applicant(s)

DELABASTITA ET AL.

Examiner

Martin J Angebranndt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1 The response provided by the applicant has been read and given careful consideration.

2 The following is a quotation of 35 U.S.C. § 103, which forms the basis for all

obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

3 Claim 24 is rejected under 35 U.S.C. § 103 as being unpatentable over Leenders EP 685333, in view of Stoffel et al. '(1981).

Leenders EP 685333 describes methods for making lithographic printing plates where a laser is used to image-wise expose a heat mode recording material which includes a oleophobic surface layer and a light to heat conversion material in that or an adjacent layer. The exposed medium is then rubbed to remove the oleophobic coating in the exposed areas and form the printing plate. The use of lasers is disclosed, including semiconductor, argon ion, YAG and Nd:YAG lasers (3/21-25). The use of various light to heat conversion materials, including carbon black, IR dyes, IR pigments, metals such as Bi, Sn, Te, etc., is disclosed. (3/31-39). The examples use a recording layer containing carbon black and an ink repellent layer exposed using a laser scanned at 14 m/s and images are then developed by rubbing and used for printing. (5/6-6/10). The process appears to be a direct writing without a mask using scanned laser as no mask is

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described. Therefore the beam modulation and direction must be controlled electronically/digitally.

Stoffel et al., "A survey of Electronic Techniques for Pictorial Image Reproduction", IEEE Trans. Comm. Vol. COM-29(12), pp. 11898-1925 (1981) teaches various techniques for use in scanning and screening images such as photographs and camera images to produce halftone images which are useful with binary output devices such as lithography, xerography or ink jet printers. (Page 1898/col 1/paragraphs 1-2). Pages 1907,1908,1915,1916 and tables I & II describe the process of error diffusion and the benefits. The output of all the images including the original output is from a versatec plotter. (page 1908/right column section G) The input of the image into a scanner, the electronic processing of the image and the output marking are shown in figure 1. The output marking is clearly not provided through a mask or the like.

It would have been obvious to one skilled in the art to include frequency modulation screening techniques such as error diffusion taught by Stoffel et al. '(1981) in the techniques of producing printing plates disclosed by Leenders EP 685333 with a reasonable expectation of gaining the benefits taught by Stoffel et al. '(1981), based upon the disclosure of Stoffel et al. '(1981) that this technique is applicable to lithographic, letterpress and gravure printing.

The examiner notes that photosensitive compositions identified as such as disclosed in the instant specification and this provides a basis for excluding these. This specifically excludes compositions where the light initiates a chemical reaction, such as crosslinking or photochemical changes in silver halide recording media. The use of light, where it is converted into heat, is not considered to make a composition photosensitive and these types of compositions would be within the scope of coverage sought.

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4 Claim 24 is rejected under 35 U.S.C. § 103 as being unpatentable over Vermeersch RD 33303 (01/1992), in view of Stoffel et al. '(1981).

Vermeersch RD 33303 describes methods for making lithographic printing plates where a dispersion of titania in polyvinyl alcohol, hydrolyzed TMOS, polyethylene latex and a wetting agent are mixed and coated on a polyester substrate. This is then exposed to light through a silver halide mask and used in lithographic printing. The exposure causes heating and image-wise melting in the layer to form hydrophobic areas. The use of a laser exposure is described as an alternative to using a silver halide mask to pattern the IR irradiation. The preferred use of carbon black as the heat absorbing materials is disclosed.

It would have been obvious to one skilled in the art to include frequency modulation screening techniques such as error diffusion taught by Stoffel et al. '(1981) in the techniques of producing printing plates disclosed by Vermeersch RD 33303 with a reasonable expectation of gaining the benefits taught by Stoffel et al. '(1981), based upon the disclosure of Stoffel et al. '(1981) that this technique is applicable to lithographic, letterpress and gravure printing.

5 Claim 24 is rejected under 35 U.S.C. § 103 as being unpatentable over **either** Leenders EP 685333 **or** Vermeersch RD 33303 (01/1992), in view of Stoffel et al., "A survey of Electronic Techniques for Pictorial Image Reproduction", IEEE Trans. Comm. Vol. COM-29(12), pp. 11898-1925 (1981) and Witten et al., "Using Peano Curves for Bilevel Display of Continuous-Tone Images", IEEE computer Graphics and Applications, pp. 47-52 (May 1982).

Witten et al., "Using Peano Curves for Bilevel Display of Continuous-Tone Images", IEEE computer Graphics and Applications, pp. 47-52 (May 1982) teaches that bilevel displays include ink on paper (page 47/left column). The use of Peano curves rather than raster scanning

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together with feed back incorporating the minimization of the cumulative error (error diffusion) (pages 50 and figure 2) (see specification at page 6)

It would have been obvious to one skilled in the art to include frequency modulation screening techniques such as error diffusion taught by Stoffel et al. '(1981) in the techniques of producing printing plates disclosed by **either** Leenders EP 685333 **or** Vermeersch RD 33303 (01/1992) with a reasonable expectation of gaining the benefits taught by Stoffel et al., "A survey of Electronic Techniques for Pictorial Image Reproduction", IEEE Trans. Comm. Vol. COM-29(12), pp. 11898-1925 (1981), based upon the disclosure of Stoffel et al., "A survey of Electronic Techniques for Pictorial Image Reproduction", IEEE Trans. Comm. Vol. COM-29(12), pp. 11898-1925 (1981) that this technique is applicable to lithographic, letterpress and gravure printing lithography and further, it would have been obvious to use peano curves rather than raster scanning in the screening process to reduce the accumulated error and prevent it from being carried over to the next line basd upon the teachings of Witten et al., "Using Peano Curves for Bilevel Display of Continuous-Tone Images", IEEE computer Graphics and Applications, pp. 47-52 (May 1982).

6 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

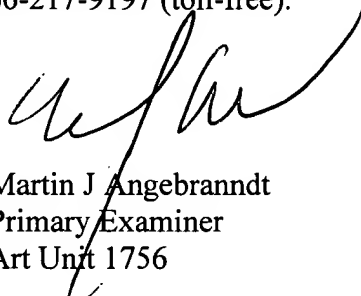
GB 1489308 teaches laser imaging of printing plate blanks and is cumulative.

7 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin J Angebrannndt whose telephone number is 571-272-1378. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 571-272-1385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Martin J. Angebranndt
Primary Examiner
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01/13/2005